

Date

Director Andrea F. Tullos
St. John Parish Library
2920 Hwy 51
LaPlace, La. 70068.

Re: Ethics Board Docket No. 2021-483

Dear Director Tullos:

The Louisiana Board of Ethics, at its August 6, 2021 meeting, considered your request for an advisory opinion regarding whether the Code of Governmental Ethics would prevent the St. John Parish Council from appointing Peyton Falgoust to serve on the St. John the Baptist Parish Library Board of Control ("Library Board").

FACTS PROVIDED

You provided that the Library Board maintains insurance coverage through Riverlands Insurance Agency ("Riverlands"). The Library Board's agent of record is Vincent Rollo and the account manager is Lili Castillo. Mr. Falgoust is employed by Riverlands. Mr. Falgoust does not own any part of Riverlands and does not benefit from the association of the Library and Riverlands Insurance Agency.

LAW

La. R.S. 42:1111C(2)(d) provides for payments from nonpublic sources as follows:

- C. (2) No public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are:
- (d) Neither performed for nor compensated by any person from whom such public servant would be prohibited by R.S. 42:1115(A)(1) or (B) from receiving a gift.

La. R.S. 42:1115 provides with respect to gifts:

- A. No public servant shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person:
- (1) Has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency.

B. No public employee shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person:

(1) Conducts operations or activities which are regulated by the public employee's agency.

(2) Has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, that Section 1111C(2)(d) would prohibit Peyton Falgoust, while serving as a member of the Library Board, from receiving compensation from Riverlands, since Riverlands has a contractual or business relationship with the Library Board.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Suzanne Quinlan Mooney
For the Board

DISCLAIMER: This is a draft opinion and it is NOT an opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this draft is considered.